

<u>Table of Contents for 2818 Rio Grande Tree Permit</u> <u>Heritage Tree Variance Package</u>

The variance package is organized as follows:

- 1. Cover Sheet
- 2. Staff Memorandum
- 3. Staff Findings of Fact
- 4. Exhibits
- 5. Applicant Memorandum and Documentation



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

March 6, 2013

PROJECT NAME:

2818 Rio Grande

ADDRESS

2818 Rio Grande

OF PROPERTY:

TREE PERMIT #:

10827869

NAME OF APPLICANT:

Mike McHone

1904 Guadalupe St. Austin, TX 78713 512-481-9111

CITY ARBORIST

Keith Mars, 974-2755

STAFF:

keith.mars@austintexas.gov

ORDINANCE:

Heritage Tree Ordinance (LDC 25-8-641)

REQUEST:

The applicant is requesting to remove a heritage tree with a stem

greater than 30" in diameter.

STAFF

RECOMMENDATION:

The request to remove the 30" Pecan meets the City

Arborist approval criteria set forth in LDC 25-8-624(A).



MEMORANDUM

TO:

Dr. Mary Gay Maxwell, Chairperson

Members of the Environmental Board

FROM:

Keith Mars, City Arborist Program

Planning and Development Review

DATE:

March 6, 2013

SUBJECT: 2818 Rio Grande

REQUEST: The applicant is requesting to remove a heritage tree with a stem greater

than 30 inches as allowed under LDC 25-8-643

Area Description

The subject property is comprised of two lots located at 2818 Rio Grande (Exhibit 1). The zoning is MF-4 and is adjacent to, but not in, the University Neighborhood Overlay District (UNO) (Exhibit 2). The zoning allows for 60 feet building height, .75:1 FAR, and 70% impervious cover. The desired use is an apartment building. The property is located in the Shoal Creek Watershed and is subject to urban watershed regulations.

Tree Evaluation

Measurements

The subject tree is a 30.0 inch diameter at breast height (dbh) Pecan (Carya illinoensis). The tree height is 53 feet and the canopy spread is 42 feet (Exhibit 3). The tree has a 45 degree lean from vertical with no evidence of root decay or soil heaving (Exhibit 4).

Canopy Conditions

The canopy has major asymmetry, extensive storm damage, and moderate decay. Storm damage is evident by the presence of multiple broken stems and subsequent decay (Exhibits 5,6,7 and 8).

Trunk

30 inch diameter trunk with a 45 degree lean to the northeast.

Root System

Critical root zone conditions are characterized by compacted turf grass and bare soil, base material serving as a parking lot, and a housing structure (Exhibit 9). Root flare is present with no signs of wounding or decay.

Overall Condition

There are considerable structural defects, but the hazard is not likely imminent since there is no evidence of root decay or soil heaving; however, the subject tree is certainly predisposed to failure simply due to the tree structure and biomechanics of staying upright. The biological and physiological functions of the tree appear sound. However, the structural condition is of concern for the aforementioned statements. The City Arborist Tree Evaluation provides additional details (Exhibit 10).

Variance Request

The variance request is to allow removal of a heritage tree with one stem greater than 30 inches as allowed under LDC 25-8-643.

Recommendation

Though not an imminent hazard, the subject tree should not be preserved due to the aforementioned structural conditions. Further, it is not reasonable to incorporate the tree into the design given the predisposition to failure, particularly in the event of root loss due to construction activities that will affect the roots opposite the plane of tree lean. The variance request meets approval criteria for the City Arborist per LDC 25-8-624(A) (1).

Mitigation

Opportunities to mitigate onsite are not available. Possible mitigation opportunities include: (1) mitigation monies into the Urban Forest Replenishment Fund at 150 percent mitigation (\$9,000), (2) 45.0 inches of native trees planted on public property in the Shoal Creek Watershed, or (3) \$9,000 worth of tree care for public trees in the Shoal Creek Watershed. Transplanting the subject tree is not recommended due to the lean, distribution of weight from the asymmetrical canopy and storm damaged canopy.

If you need further details, please contact me at 974-2755 or keith.mars@austintexas.gov.

Keith Mars, Environmental Program Coordinator Planning and Development Review Department

Michael Embesi, City Arborist

Planning and Development Review Department

Assistant Director

nning and Development Review Department



City Arborist Planning and Development Review Department Staff Recommendations Concerning Heritage Tree Variances

Application Address: 2818 Rio Grande

Size and Species of Tree(s): 30.0" Pecan (Carya illinoensis)

Reason for Request: The applicant is requesting to remove a heritage tree with a stem

greater than 30 inches as allowed under LDC 25-8-643

Section 1 – Approval Criteria

1) The requirement for which a variance is requested prevents a reasonable access to the property.

No.

- 2) The requirement for which a variance is requested prevents a reasonable use of the property. Yes. It is unreasonable to preserve this tree in a forthcoming development due to the structural defects. Further, the tree should not be incorporated into the design since loss of counterbalancing roots (opposite the plane of the lean) would increase the likelihood of tree failure.
- 3) The tree presents an imminent hazard to life or property and the hazard cannot be reasonably mitigated without removing the tree.

No.

4) Is the tree dead?

No.

5) Is the tree diseased? If so, is restoration to a sound condition practicable or can the disease by transmitted?

No.

- 6) For a tree located on public property or a public street or easement, the requirement for which a variance is requested prevents:
 - a) the opening of necessary vehicular traffic lanes in a street or ally, or
 - b) the construction of utility or drainage facilities that may not feasibly be rerouted.

NA.

7) The applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 25-8-646 (*Variance Prerequisite*).

No.

8) Removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service and historic and cultural value from the trees preserved on the site.

No.

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Keith Mars, Environmental Program Coordinator

City Arborist Program

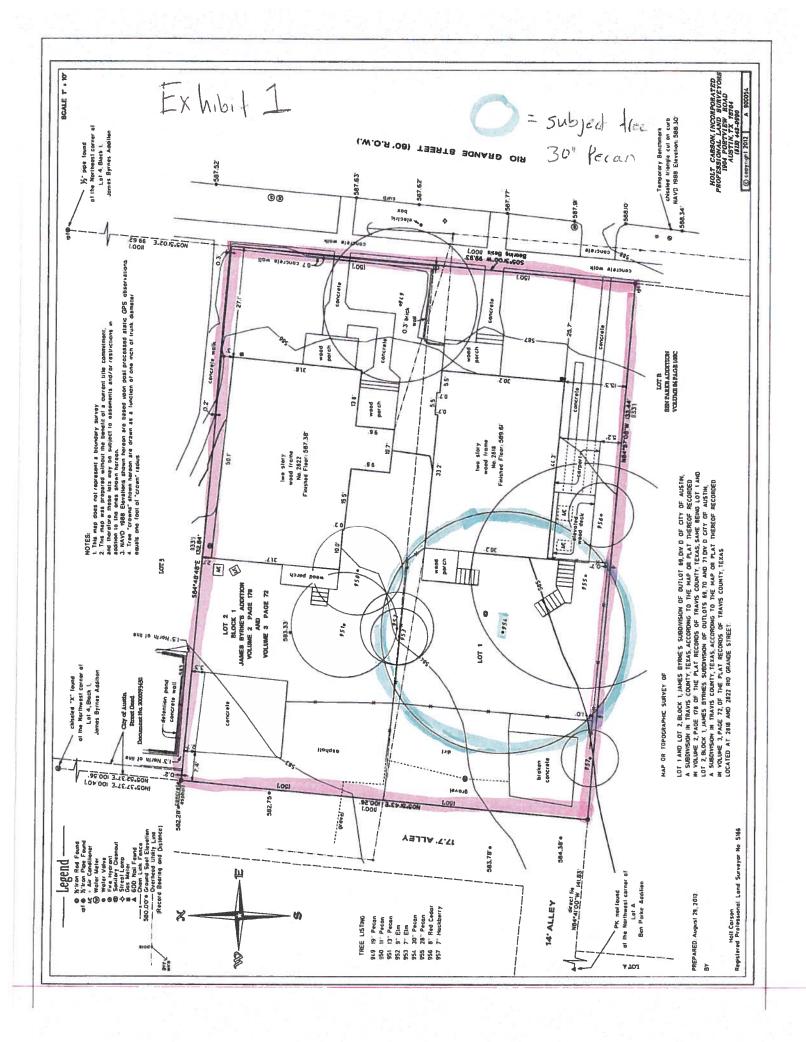
Planning and Development Review Department

Signature:

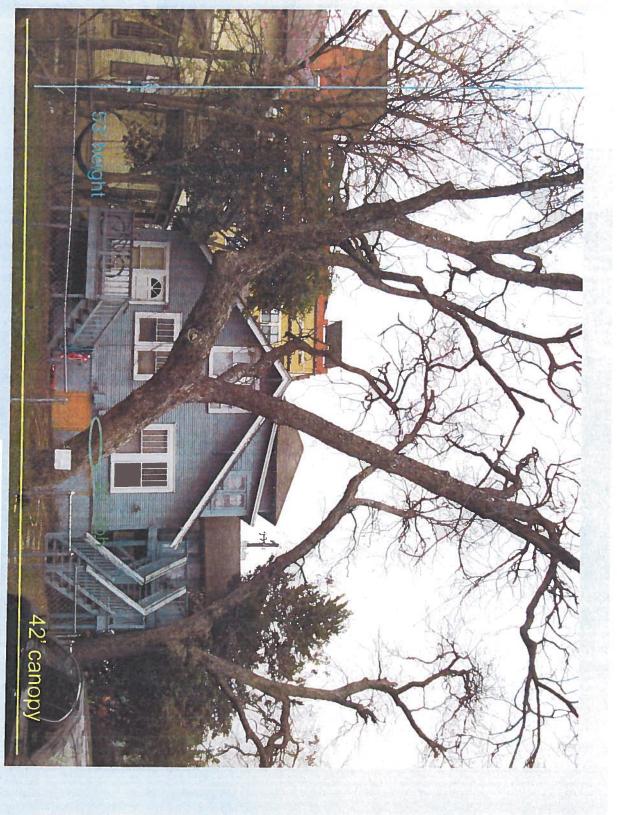
Ruth Man

Date:

2/22/2013















Storm Damage

Exhibit 6



The City Arborist Program

Exhibit 7

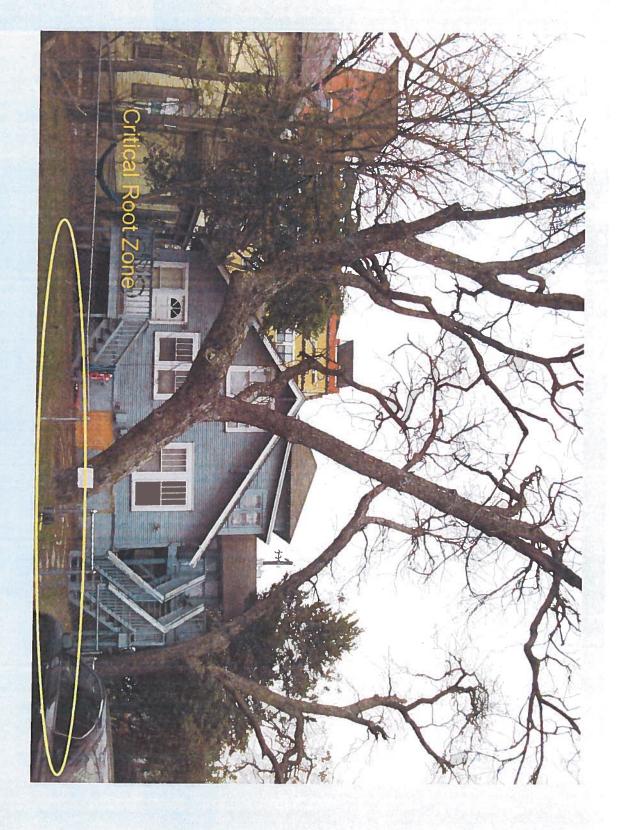


The City Arborist Program

Exhibit 8



The City Arborist Program







TREE EVALUATION

Date: 2/20/13
Evaluator: Karwa Mac
SIGNATURE: Resh Thank
SIGNATURE: Than Than ISA/ASCA Certification #: TX-3677 AM
× ·
1. TREE CHARACTERISTICS DBH of each trunk: 30.0 Common & Latin name: Pecan Carra illinoensis Location: Private / Public Estimated height & canopy spread (ft): 53' ,42'
Location: Private / Public Fertimeted height & common & Latin name: Pecan Carya Minoragis
Age class: Young / meture / 6 standard for the control of the cont
Age class: young / mature / over-mature / dead (if dead, there is no need to fill out section 2) Deadwood: 0% 0-10% 10-25% 25-50% >50% (1.0%)
10 10 10 10 10 10 10 (EVIUS)
Form: generally symmetric / minor asymmetry / major asymmetry / stump sprout
Pruning history: crown cleaned / excessively thinned / topped / crown raised
pollarded / crown reduced / utility clearance / storm damage cleaning / none
Crown class: dominant / co-dominant / intermediate / suppressed.
2. TREE HEALTH Foliage color: normal / chlorotic / necrotic Foliage density: normal / sparse Annual shoot growth:inches Callus development Y / N
Major pests/diseases:
Major pests/diseases:
Major pests/diseases: 3. SITE CONDITIONS
3. SITE CONDITIONS Site character: [esidence / commercial / industrial / park / open space / natural / other (see below)
3. SITE CONDITIONS Site character: (esidence / commercia) / industrial / park / open space / natural / other (see below) Landscape type: parkway / raised bed / container / open / other (see below)
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4. TREE DEFECTS – IDENTIFY ALL AREAS AND SEVERITY THAT APPLY TO EACH DEFECT

DEFECT TYPE	DEFECT AREA	DEFECT SEVERITY	NOTES	LEGEND
Poor taper	5,3	M,5	Storn dense has accepted	
Codominants/forks			Storn dense has allisted	
Multiple attachments				AREA
Included bark				T – Trunk(s)
Excessive end weight				R – Root Flare L – Lateral Roots S – Scaffolds
Cracks/splits	B	LM		B – Branches
Hangers		,		
Girdling				SEVERITY
Wounds	T.5, B	M. 3	extensive storm denne	S – Severe
Decay	T, 5, B	AAA AAAA AAAA	likely less 11.7 for storn denge	M – Moderate
Cavity	5,3	LM		L-Low
Conks/Mushrooms				
Bleeding				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/sfubs	P,	5	every stemplends thus storm dana	
Borers/termites/ants				
Cankers/galls				
Previous failure				

•
natural or unnatural Soil heaving: Y / N
Roots exposed: Y /(N) Soil cracking: Y /(N)
Compounding factors: Intalance Canopy
Mushroom/conk present: Y / (N) ID:
Undermined: S / M / L
Root area affected:% Buttress wounded: Y / N
Potential for root failure: S / (M)/ L
rking / traffic / pedestrian / recreation / landscape / hardscape um, intermittent use / frequent use Can target be moved: Y / N Comments:
CTORS

Mike McHone Real Estate

Keith Mars Heritage Tree Review City of Austin 505 Barton Springs Rd. Austin, TX 78704

February 5, 2013

Re: Heritage Tree Review, 2818 Rio Grande

Dear Mr. Mars;

This memo is to explain the request for the removal of a large leaning pecan (# 954) which is located in the middle of the lot in the rear yard of 2818 Rio Grande. This lot is a part of a two lot site consisting of 2818 and 2822 Rio Grande. (Note the tree report is for three lots. Lot 2816 was deleted from consideration due to the large number of trees located on it.) (Survey attached)

This two lot site is located across the street from the University Neighborhood Overlay District (UNO). The plan is to redevelop the site with a modern apartment building which will meet all current building code requirements, especially fire sprinklers and energy efficiency. The project will be developed in compliance with the MF-4 base district zoning and will comply with compatibility requirements. It will serve as a buffer between the more dense UNO projects across the street and the single family neighborhood to the west.

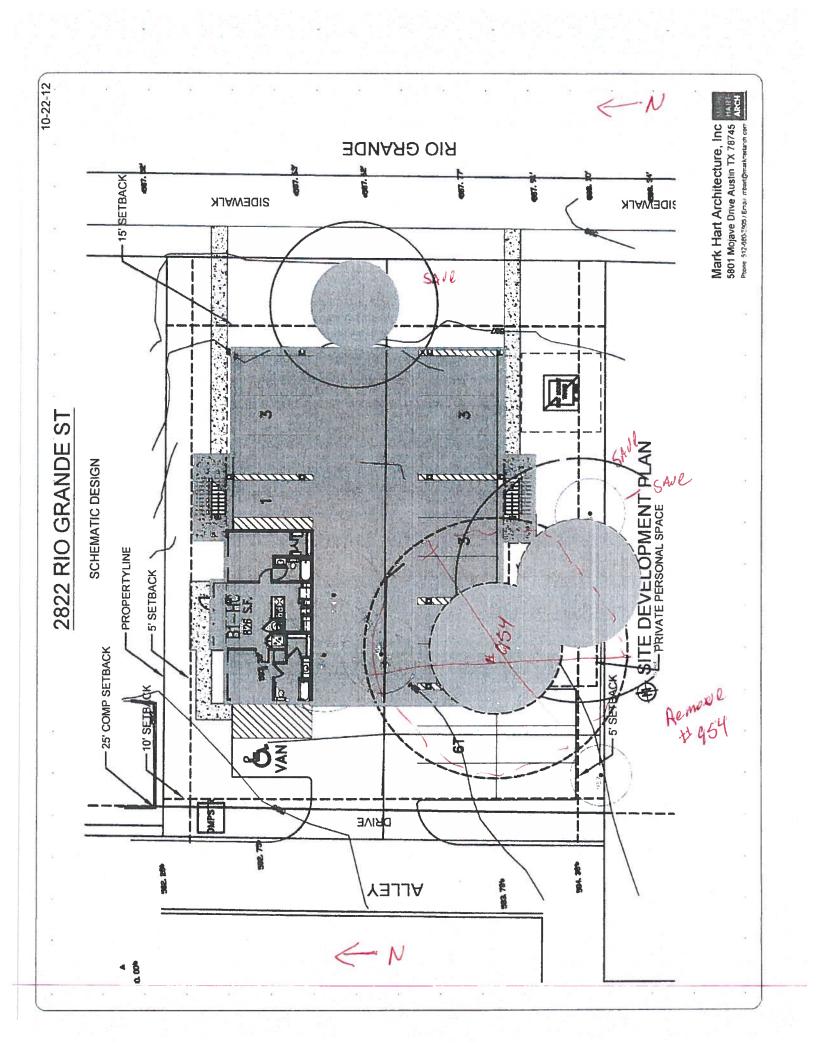
The MF-4 zoning requires front rear and side yards. The project has been designed to meet these requirements. Compatibility requirements greatly reduce the allowable height. The site plan attached is the best that can be accomplished as it saves the best trees but will require the removal of the large leaning pecan. (See sketch attached).

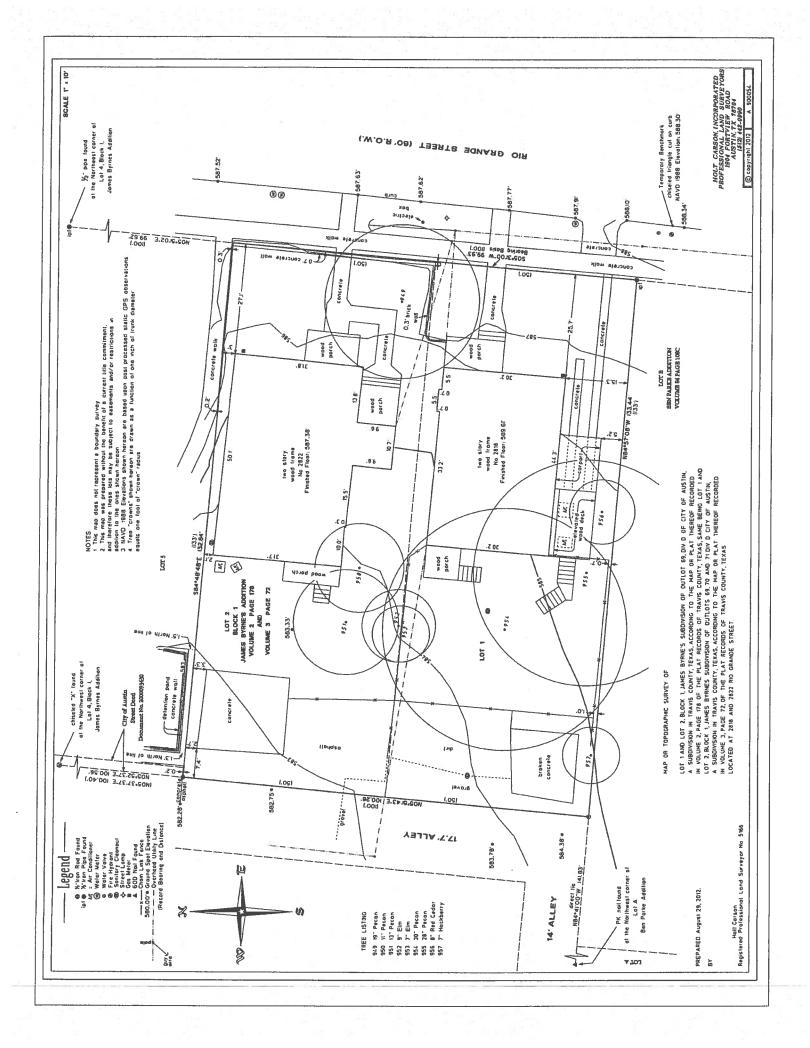
The attached tree report recommends the removal of this tree due to its "hazardous lean".

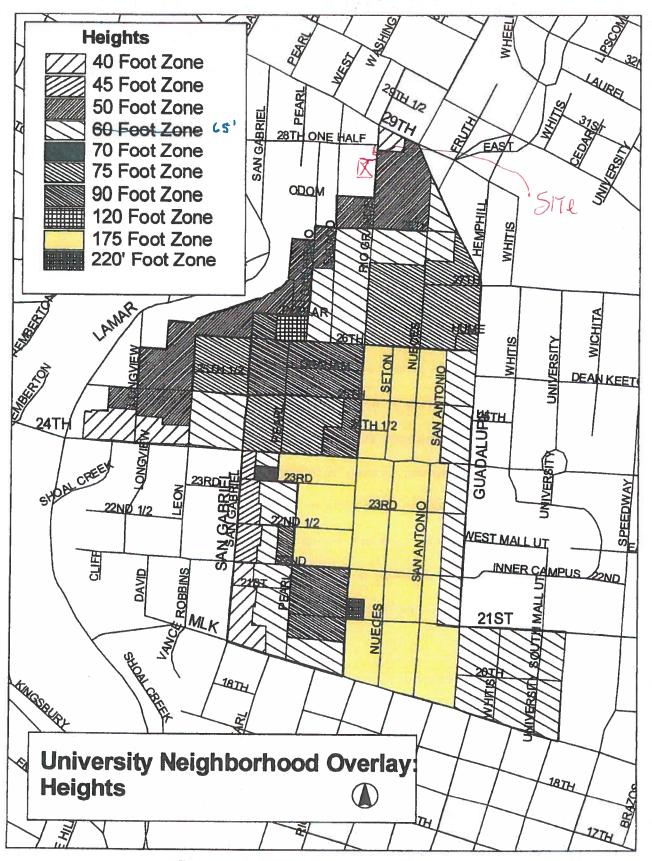
The owner has secured demolition permits for the existing improvements and respectfully request the commissions consent to remove this hazardous tree.

Sincerely,

Mike McHone, authorized agent







Proposed Changes in Height

Mike Mchone

From:

Mark Hart [mhart@markhartarch.com]

Sent:

Friday, October 26, 2012 9:33 AM

To: Subject: Mike Mchone

Attachments:

rio grande site and trees site-trees-102612.pdf

Mike, I can't move the building any closer to rio grande because of the other tree there, unless Embezi is willing to let that one go? I highly doubt it.

I'll have to fracture the rectangular shape of the building to dodge the trees.

See attached pdf. As you can see, the layout was perfect when the leaning pecan wasn't a player.

Mark

Mark Hart, AIA LEED AP BD+C



Mark Hart Architecture Inc. 5801 Mojave Drive Austin TX, 78745 512-680-7905

www.markhartarch.com



No virus found in this message. Checked by AVG - www.avg.com

Version: 2013.0.2741 / Virus Database: 2616/5847 - Release Date: 10/22/12

The Davey Tree Expert Company

9224 Research Blvd. Austin, TX 78758

(512) 451-4986 Fax: (512) 451-6482

Tribeca Capital Group, LLC

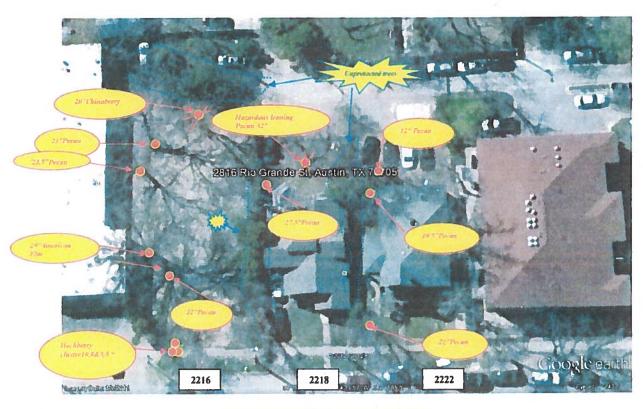
17551 Gillette St. Irvine. CA 92614

RE: Tree Evaluation - 2816-2818-2822 Rio Grande, Austin, TX

Dear Sirs:

First of all, I would like to thank you for the opportunity to inspect the trees at the above-mentioned site. We appreciate your patronage for selecting The Davey Tree Expert Company for your tree care. We trust that you will find our commitment to excellence to be of the highest standards. Listed in this report is data concerning the conditions of the established trees on site.(Photo's included)

- American Elm Tree 29" (Ulmus americana) is considered-Average-in-condition.
- * All Pecan Trees (Carya illinoensis) are in Above Average- to-Excellent in condition; *With the exception of the 32" on lot 2218, NOTE: it is leaning at a 45 degree angle and is very top heavy, This Pecan tree needs to be removed. Due to the liability, It is Poor in condition. (see photo).
- Cluster of Common Hackberry Trees (Celtis occidentalison) in City right-of- way, are weak and considered Poor-in-condition.
- Chinaberry Tree 20" (Melia azedarach) is considered an invasive species
- Remaining Trees and shrubs are less than 8" can be removed without tree permit......



Should you have any questions, please feel free to contact me at 451-4986. Thank you for your time and attention to this matter.

Sincerely,

Daniel R. Hunsicker

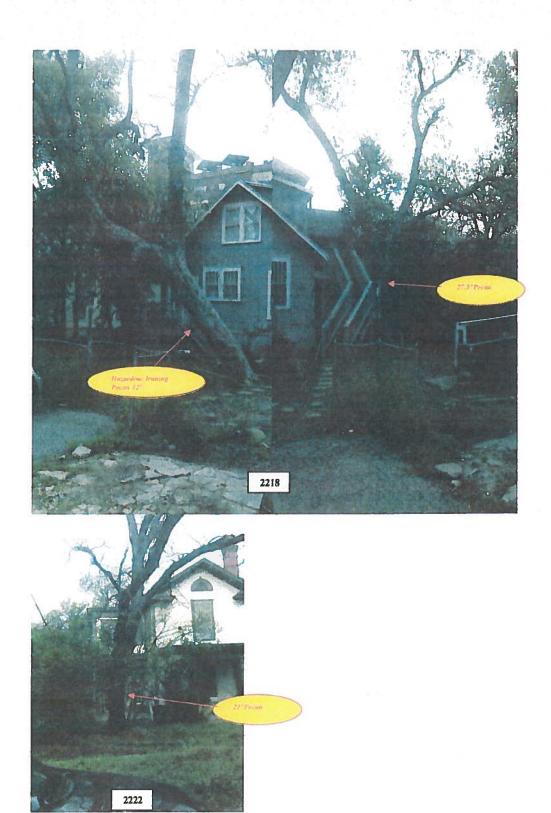
District Manager

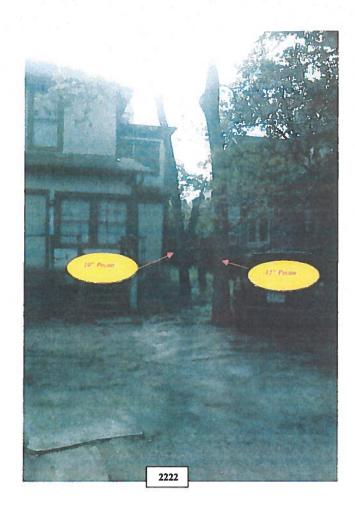
DAVEY TREE EXPERT COMPANY

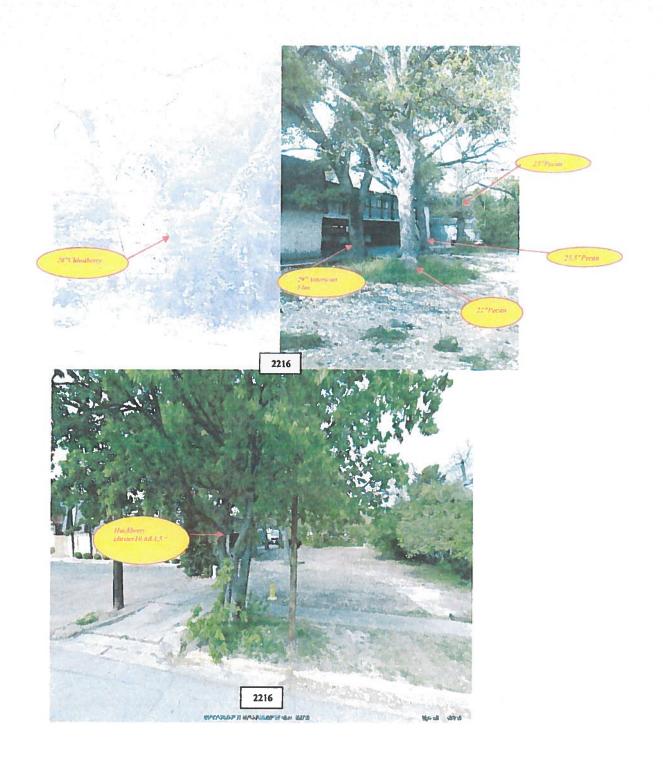
Certified Arborist #TX 0309

International Society of Arboriculture











Tree Ordinance Review Application

Planning and Development Review Department
One Texas Cenier, 505 Barton Springs Road, 4th floor, Austin, TX 78704
Phone: (512) 974-1876 Fax: (512) 974-3010
Email: cityarborist@austintexas.gov Website: www.austintexas.gov/department/city-arborist

Application fee must be paid prior to permit issuance. No fee is required for dead or diseased trees. Application Determination — To be completed by City Arborist Program Personnel Approved	Application request* (specify all Tree removal (LDC 25-8-602)3 Critical Root Zone impacts (E) Live canopy impacts of more if Address and zip code of property: Name of owner or authorized agent Building permit number (if applicable Telephone #: (5(2) 554-3446 Tree Species: P2CAN Trunk size (in inches) at 4 ½ feet at General tree condition: Good Reason for request: Development Owner/ Authorized Agent Signature Proposed development projects are improvements (e.g. structure, driver This permit application only reviews	CM 3.5.2 A) Ban 25% (ECM 3.5.2 B) Fax #: (612) 48/-1002 Tree local circumference of Pair / Poor at Tree condition (Poor at Tree	(B)(1) and Environment (Section 3 & Ap all impacts may that approval of nuarantee favor (SE) Austral (SE) Aus	MIKE N-HONE Inneter (across) 32" HAZMAD AT 45° AMILLE	
Approved *Approved With Conditions Statutory Denial (more information required) Denied					7
Comments Light PRODE SUBSTRATEM ARRIVET TO ANDRESS THIS CONCAN LLG. LISE ASSESSMENT FROM A CESTERIA ARRIVETS BUTCASS RULL TAVASITUATION, DESCURSION OF TECHNOLOGIS TO METTA RESULT. Heritage Tree(s) A heritage tree variance is required: Administrative / Land Use Commission Conditions of Approval: None or As described within Arborist Comments (see above); and Applicant agrees to plant calliper inches of central Texas native trees (see ECM Appendix F) on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Desert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc. Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration. No additional impacts are permitted within the ½ Critical Root Zone, including utility trenching. Provide a receipt from a certified arborist for: Dremedial root care Dany required pruning	<u> </u>	SI M	14 19561712		
□ Heritage Tree(s) □ A heritage tree variance is required: □ Administrative / □ Land Use Commission Conditions of Approval: □ None or □ As described within Arborist Comments (see above); and □ Applicant agrees to plant caliper inches of central Texas native trees (see ECM Appendix F) on the lot prior to obtaining a final inspection (if applicable). Trees are to have a minimum 2-Inch trunk diameter. Examples include Oaks, Cedar Elm, Bald Cypress, Desert Willow, Mountain Lauret, Texas Persimmon, Mexican Plum, etc. □ Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration. □ No additional impacts are permitted within the ½ Critical Root Zone, including utility trenching. □ Provide a receipt from a certified arborist for: □ remedial root care □ Dany required pruning		SUBSTITUTED AR	DUF TO ADDRESS	THIS CONCERN	ZI. I FECAL
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□ No additional impacts are permitted within the ½ Critical Root Zone, including utility trenching. □ Provide a receipt from a certified arborist for: □ remedial root care □ any required pruning	Prior to development, applicant a	grees to supply a root zon	e mulch iever and meintein		
Provide a receipt from a certified arborist for: Premedial root care Plany required pruning	No additional impacts are permitt	ed within the 1/2 Critical Ro	ot Zone, including utility tre		
Applicant Signature Date City Arborist Signature Date					
	Applicant Signature	Date	City Arborist Signatu	re Date	

Post this document on site while any proposed work is in progress. Conditions for approval of this application must be met within 1 year of the effective date.

v.772012

TREE RISK EVALUATION FORM

Property address: 28 18 N. C. Grande Date: 9-29-12
Property address: 28 18 Rec Grande Date: 924/2 Property owner: (Migral) M. M. Bone Evaluator: Description Reg. House Ches. SIGNATURE: (Marches Lange Lange)
Property owner: (1-4/2), 1110, 12 102 10 Prailuator:
SIGNATURE:
ISA/ASCA Certification #: /x = 3 2 7
1. TREE CHARACTERISTICS DBH of each trunk: 3 Common & Latin name: Location: Private / Public Estimated height & canopy spread (ft): Age class: young / mature / over-mature / dead (if dead, there is no need to fill out section 2) Deadwood: 0% 0-10% 10-25% 25-50% >50% Form: generally symmetric / minor asymmetry / major asymmetry / stump sprout Pruning history: crown cleaned / excessively thinned / topped / crown raised poliarded / crown reduced / utility clearance / storm damage cleaning / none Crown class: dominant / co-dominant / intermediate / suppressed
2. TREE HEALTH Foliage color: normal / chlorotic / necrotic Foliage density: normal / sparse Annual shoot growth: / inches Callus development: Y / N

DEFECT TYPE	DEFECT AREA	DEFECT SEVERITY	NOTES	LEGEND
Poor taper	7	SEVERIFI		131.07.17.13
Codominants/forks	1			
Multiple attachments				AREA
Included bark	BSI	m		T = Trunk(s)
Excessive end	00	// 1		R - Root Flare
	12			t Lateral Roots
weight	10	m		S - Scaffolds
Cracks/splits	Δ	10		B - Branches
langers				SEVERITY
Girdling		777		S Severe
Wounds				M – Moderate
Decay	B	m		L - Low
Cavity				
Conks/Mushrooms				
Bleeding				
oose/cracked bark	13	m		
lesting hole/hee				
ive				
Deadwood/stubs	5 13	12		
lorers/termites/ants				
ankers/galls				1
revious failure	7	117	has been gettin	1 10000
Suspect root rot: Y Exposed roots: S / Root pruned:fe Restricted root area 5. TARGET AND ABA Use under tree: Decupancy: occasi RISK ABATEMENT Action: prune / remo	et from trunk a: S / M / I TEMENT building / ional use / me	Undermine Root area Potential f	n/conk present: Y / N ID: ed: S / M / L affected: % Buttress w for root failure: S / M / I. fic / pedestrian / recreation / lands tent use / frequent use Can targe	scape / hardscape
7. COMMENTS OR O	TUED DICK E	'ACTOD®	1032 1869	

4. TREE DEFECTS - IDENTIFY ALL AREAS AND SEVERITY THAT APPLY TO EACH DEFECT